Zaldivar v. JANL, Inc.

4/16/2024
PLAINTIFF'S DAMAGES COMPUTATION IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT

| | I. SCHEDULE | | | | | | | | | | |
|------------------------------------|-------------|----------|-----------|-----------|--|--|--|--|--|--|--|
| | | | HOURS | SPREAD OF | | | | | | | |
| | FROM | TO | WORKED | HOURS | | | | | | | |
| MON | 10:00 AM | 9:00 PM | 11 | 11 | | | | | | | |
| WED | 10:00 AM | 9:00 PM | 11 | 11 | | | | | | | |
| THURS | 10:00 AM | 9:00 PM | 11 | 11 | | | | | | | |
| FRI | 10:00 AM | 9:00 PM | 11 | 11 | | | | | | | |
| SAT | 10:00 AM | 10:00 PM | 12 | 12 | | | | | | | |
| SUN | 10:00 AM | 10:00 PM | <u>12</u> | 12 | | | | | | | |
| | | | 68 | | | | | | | | |
| II. SUMMARY OF SCHEDULE AND SALARY | | | | | | | | | | | |
| | | | | | | | | | | | |

| | | | | Days Per | |
|------------|------------|------------|---------|--------------|----------|
| | | Days | Average | Week in | |
| | | Worked per | Hours | which Spread | |
| From | То | Week | Worked | of Hours >10 | Salary |
| 7/1/2016 | 12/30/2016 | 6 | 68 | 6.00 | \$450.00 |
| 12/31/2016 | 12/30/2017 | 6 | 68 | 6.00 | \$450.00 |
| 12/31/2017 | 12/30/2018 | 6 | 68 | 6.00 | \$500.00 |
| 12/31/2018 | 12/30/2019 | 6 | 68 | 6.00 | \$500.00 |
| 12/31/2019 | 12/30/2020 | 6 | 68 | 6.00 | \$500.00 |
| 12/31/2020 | 5/1/2021 | 6 | 68 | 6.00 | \$500.00 |
| | | | | | |

| | | | | | | | III. | UNPAID OVER | RTIME AND MI | NIMUM WA | GES | | | | | |
|-------------------------------|------------|----------------|-----------------------|---------|----------|----|----------|-------------|--------------|-----------|-------------|------------|------------------|--------------------|--------------------------|--------------|
| Regular Rate | | | | | | | | | | | | | | | | |
| | | | | | | | | | ("RR") | | | | | | | |
| | | | Average | | | | | | =Greater of | Regular | | | | Unpaid Wages | | |
| | | | Hours | | | | Regular | Minimum | Minimum | Wages | Overtime | | Total Wages | per Week (Total | • | |
| | | | Worked Per | | | | Rate | Wage as Per | Wage or | Earned | ("OT") Rate | | Earned (OT + Reg | _ | * Unpaid | |
| From | То | Weeks | Week | | ary Paid | | lary/40) | | Salary/40 | (RR * 40) | (RR * 1.5) | Rate * 28) | Wages) | Salary Paid) | Wages/Wk) | |
| 7/1/2016 | 12/30/2016 | 26.00 | 68 | - | 450.00 | \$ | 11.25 | \$9.00 | \$11.25 | \$450.00 | \$16.88 | \$472.50 | \$922.50 | \$472.50 | \$12,285.00 | |
| 12/31/2016 | 12/30/2017 | 52.00 | 68 | - | 450.00 | \$ | 11.25 | \$10.00 | \$11.25 | \$450.00 | \$16.88 | \$472.50 | \$922.50 | \$472.50 | \$24,570.00 | |
| 12/31/2017 | 12/30/2018 | 52.00 | 68 | | 5500.00 | \$ | 12.50 | \$11.00 | \$12.50 | \$500.00 | \$18.75 | \$525.00 | \$1,025.00 | \$525.00 | \$27,300.00 | |
| 12/31/2018 | 12/30/2019 | 52.00 | 68 | | 5500.00 | \$ | 12.50 | \$12.00 | \$12.50 | \$500.00 | \$18.75 | \$525.00 | \$1,025.00 | \$525.00 | \$27,300.00 | |
| 12/31/2019 | 12/30/2020 | 52.00 | 68 | - | 5500.00 | \$ | 12.50 | \$13.00 | \$13.00 | \$520.00 | \$19.50 | \$546.00 | \$1,066.00 | \$566.00 | \$29,432.00 | |
| 12/31/2020 | 5/1/2021 | 17.00 | 68 | \$ | 5500.00 | \$ | 12.50 | \$14.00 | \$14.00 | \$560.00 | \$21.00 | \$588.00 | \$1,148.00 | \$648.00 | \$11,016.00 | |
| | | | | | | | | | | | | | | | | \$131,903.00 |
| IV. SPREAD OF HOURS | | | | | | | | | | | | | | | | |
| | | | Days/Week in Which | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | Total SOH | |
| | | | Spread of Hours | | | | | | | | | | | Weekly Spread | Owed (Weeks | |
| | | | Exceeded | N / | linimum | | | | | | | | | of Hours Owed | * SOH | |
| From | To | Weeks | 10 | | Wage | | | | | | | | | (6 x Min Wage) | Owed/Week) | |
| | 12/30/2016 | 26.00 | | \$ | 9.00 | , | | | | | | | | \$54.00 | • | |
| 7/1/2016 | 12/30/2016 | | 6 | ۶ \$ | 10.00 | | | | | | | | | \$54.00 \$60.00 | \$1,404.00 \$3,120.00 | |
| 12/31/2016 | 12/30/2017 | 52.00 52.00 | 6 6 | ۶ \$ | 11.00 | | | | | | | | | \$66.00 | \$3,120.00 | |
| 12/31/2017 | 12/30/2018 | | | ۶ \$ | 12.00 | | | | | | | | | • | | |
| 12/31/2018 12/31/2019 | 12/30/2019 | 52.00 | 6 | ۶ \$ | 13.00 | | | | | | | | | \$72.00 | \$3,744.00 \$4,056.00 | |
| | · • | 52.00 17.00 | 6 6 | ۶ \$ | 14.00 | | | | | | | | | \$78.00 | | |
| 12/31/2020 | 5/1/2021 | 17.00 | Ь | Ş | 14.00 | , | | | | | | | | \$84.00 | <u>\$1,428.00</u> | \$17,184.00 |
| | | | | | | | | IV LIC | UIDATED DAM | IAGES | | | | | | \$17,184.00 |
| | | | | | | | | IV. LIQ | OIDATED DAIV | IAGES | | | | Liquidated | Liquidated | |
| | | | | | | | | | | | | | Damages % | Damages | | |
| Minimum Wages & Overtime Owed | | | \$131,903 | | | | | | | | | | | 100% | \$131,903 | |
| Spread of Hours Owed | | | \$17,184 | | | | | | | | | | | 100% | \$131,303 | |
| | | | 41.,120 1 | | | | | | | | | | | 20070 | 91,,10 , | \$149,087.00 |
| | | | | | | | | | | | | | | | | |

| PRE-JUDGMENT INTEREST | | | | | | | | | | |
|-----------------------|----------|-----------|-----------|------------|------|----------------------------|--------------|--|--|--|
| 1 | | | Wages | | | Interest | | | | |
| From | То | Midpoint | Owed | # of Years | Rate | (Wages Owed * #Years * 9%) | | | | |
| 12/31/2017 | 5/1/2021 | 8/31/2019 | \$149,087 | 4.64 | 0.09 | \$62,279 | \$62,278.64 | | | |
| 1 | | | | | | TOTAL | \$360,452.64 | | | |